

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

31-CA-277317

Date Filed

5/18/21

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer McDonald's		b. Tel. No. (323) 750-3696
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 505 W. Florence Ave CA Los Angeles 90044	e. Employer Representative (b) (6), (b) (7)(C)	
	g. e-Mail	
	h. Number of workers employed 20	
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurants	j. Identify principal product or service	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 1 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

Title:

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.**4d. Fax No.****4e. e-Mail**

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**

I, (b) (6), (b) (7)(C) read the above charge and that the statements are true to the best of my knowledge and belief.

B

(signature of representative or person making charge)

Title:

(Print/type name and title or office, if any)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.**Fax No.****e-Mail**

(b) (6), (b) (7)(C)

Address

(b) (6), (b) (7)(C)

05/17/2021 09:29:10 PM

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7) /2021

8(a)(1)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	Discharge	(b) (6), (b) (7) /2021

Additional Information in Support of Charge

Charging Party Name : (b) (6), (b) (7)(C)

Inquiry Number : (b) (6), (b) (7)(C)

Date Submitted : 05/17/2021 09:29:10 PM

Please provide a brief description of the specific conduct involved in your charge. The information you provide may be viewed by the charged party in the event of a formal proceeding, so PLEASE DO NOT GIVE A DETAILED ACCOUNT OF YOUR CHARGE OR A LIST OF POTENTIAL WITNESSES AT THIS TIME. A Board Agent will contact you to obtain this and other detailed information after your charge is docketed. After you submit this E-Filed Charge form, you will receive a confirmation email with an Inquiry Number (Sample Inquiry Number: 1-1234567890) and a link to the E-Filing web page. You may use the link and the Inquiry number provided in the email to e-file any additional documents you wish to present in support of your charge.

Additional Information Provided:

(b) (6), (b) (7)(C) was wrongfully terminated due to the company not conducting a thorough investigation beforehand. (b) (6), (b) (7)(C) was accused of stealing without any proof, (b) (6), (b) (7)(C) received a call on (b) (6), (b) (7)(C)/21 letting (b) (6), (b) (7)(C) know (b) (6), (b) (7)(C) was fired and did not provide (b) (6), (b) (7)(C) the final paycheck. This accusation is bogus because the times (b) (6), (b) (7)(C) worked the register that (b) (6), (b) (7)(C) manager claims was missing cash, (b) (6), (b) (7)(C) was sent outside to take orders and another employee took over (b) (6), (b) (7)(C) register without the manager closing it out before. Manager confirmed (b) (6), (b) (7)(C) did not check the cameras before making (b) (6), (b) (7)(C) final decision and firing (b) (6), (b) (7)(C). They also deducted (b) (6), (b) (7)(C) hours from 24 to 3-4 hours once a week. Another manager informed (b) (6), (b) (7)(C) that they always terminate (b) (6), (b) (7)(C) with this same excuse. (b) (6), (b) (7)(C) was wrongfully terminated and has dealt with discrimination and intimidation by (b) (6), (b) (7)(C) direct manager. Other manager even smoke marijuana in the restroom while at work. The manager refuses to speak with me although (b) (6), (b) (7)(C), every other employee complaints about the poor management and discrimination at this place. We need help.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W OLYMPIC BLVD
SUITE 600
Los Angeles, CA 90064-1753

Agency Website: www.nlr.gov
Telephone: (310)235-7351
Fax: (310)235-7420



Download
NLRB
Mobile App

May 19, 2021

(b) (6), (b) (7)(C)

McDonald's
505 W. Florence Ave
Los Angeles, CA 90044

Re: McDonald's
Case 31-CA-277317

Dear **(b) (6), (b) (7)(C)**:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney MICHELLE SCANNELL whose telephone number is (310)307-7307. If this Board agent is not available, you may contact Supervisory Field Attorney JOANNA SILVERMAN whose telephone number is (310)307-7309.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Mori Rubin". The signature is written in a cursive, flowing style.

MORI RUBIN
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 31-CA-277317
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
----------------------------------------	--------------------------------------------------------------------------------------

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MCDONALD'S

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 31-CA-277317

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 19, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)
McDonald's
505 W. Florence Ave
Los Angeles, CA 90044

May 19, 2021

Date

Alicia M. Holland, Designated Agent of
NLRB

Name

/s/Alicia M. Holland

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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May 19, 2021

(b) (6), (b) (7)(C)

Re: McDonald's
Case 31-CA-277317

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on May 18, 2021 has been docketed as case number 31-CA-277317. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney MICHELLE SCANNELL whose telephone number is (310)307-7307. If this Board agent is not available, you may contact Supervisory Field Attorney JOANNA SILVERMAN whose telephone number is (310)307-7309.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Mori Rubin". The signature is written in a cursive, flowing style.

MORI RUBIN
Regional Director

Charge Against Employer Assignment Sheet

IO Assisted: <input type="checkbox"/> Yes <input type="checkbox"/> No		Inquiry No: (b) (6), (b) (7)(C)		Method of Receipt: <input type="checkbox"/> Visit <input type="checkbox"/> Written (fax, mail, e-filed)	
Case No: 31-CA-277317		CASE NAME: McDonald's			
DATE FILED: 5/18/2021			CATEGORY: <input type="checkbox"/> I <input checked="" type="checkbox"/> X <input type="checkbox"/> II <input type="checkbox"/> III		
Potential 10(j): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> X No		8(a)(2) (indicated name of union):		# discriminatees 8(a)(3):	
		# of Employees (if not currently on charge): 20			
Dispute City: Los Angeles		Hot Topics: <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <input type="checkbox"/> Cessation of Dues Check-off <input type="checkbox"/> Challenges to Acting GC's Authority <input type="checkbox"/> Discharge Organizing Campaign <input type="checkbox"/> Employer Mandatory Arbitration Policy <input type="checkbox"/> Fast Food <input type="checkbox"/> Social Media </div> <div style="width: 35%;"> <input type="checkbox"/> Information Requests for Financial Records <input type="checkbox"/> Post Arbitration Deferral <input type="checkbox"/> Recess Appointments <input type="checkbox"/> Recusal <input type="checkbox"/> Successor Employer <input type="checkbox"/> Two-Member Quorum Filings <input type="checkbox"/> Use of Employer email </div> </div>			
Dispute State: CA					
QUESTIONNAIRE: <input type="checkbox"/> UNILATERAL <input type="checkbox"/> DISCRIMINATION <input type="checkbox"/> GRIEVANCES <input type="checkbox"/> INFORMATION <input type="checkbox"/> FAILURE TO HIRE					
Dispose of Allegations (Target date):		COMMENTS:			
Bargaining Status: <input type="checkbox"/> Existing Contract <input type="checkbox"/> None <input type="checkbox"/> Organizing Campaign <input type="checkbox"/> Seeking Initial Contract <input type="checkbox"/> Seeking Succeeding Contract					
SUPERVISOR: Silverman			AGENT: Scannell		
8(a)(1)			8(a)(4)		
<input type="checkbox"/> Coercive Actions (Surveillance, etc) <input type="checkbox"/> Coercive Rules <input type="checkbox"/> Coercive Statements (Threats, Promises of Benefits, etc.) <input checked="" type="checkbox"/> X Concerted Activities (Retaliation, Discharge, Discipline) <input type="checkbox"/> Denial of Access <input type="checkbox"/> Discharge of supervisor (Parker-Robb Chevrolet) <input type="checkbox"/> Interrogation (including Polling) <input type="checkbox"/> Lawsuits <input type="checkbox"/> Weingarten			<input type="checkbox"/> Changes in Terms and Conditions of Employment <input type="checkbox"/> Discharge (including Layoff and Refusal to Hire) <input type="checkbox"/> Discipline <input type="checkbox"/> Refusal to Reinstate Employee/Striker <input type="checkbox"/> Shutdown or Relocate/ Subcontract Unit Work		
8(a)(2)			8(a)(5)		
<input type="checkbox"/> Assistance <input type="checkbox"/> Domination <input type="checkbox"/> Unlawful Recognition			<input type="checkbox"/> Alter Ego <input type="checkbox"/> Failure to Sign Agreement <input type="checkbox"/> Refusal to Bargain/Bad Faith Bargaining (including surface bargaining/direct dealing) <input type="checkbox"/> Refusal to Furnish Information <input type="checkbox"/> Refusal to Recognize		
8(a)(3)			8(e)		
<input type="checkbox"/> Changes in Terms and Conditions of Employment <input type="checkbox"/> Discharge (Including Layoff and Refusal to Hire (not salting)) <input type="checkbox"/> Discipline <input type="checkbox"/> Lockout <input type="checkbox"/> Refusal to Consider/Hire Applicant (salting only) <input type="checkbox"/> Refusal to Hire Majority <input type="checkbox"/> Refusal to Reinstate E'ee/Striker (e.g. Laidlaw) <input type="checkbox"/> Retaliatory Lawsuit <input type="checkbox"/> Shutdown or Relocate/ Subcontract Unit Work <input type="checkbox"/> Union Security Related Actions			<input type="checkbox"/> Repudiation/Modification of Contract [Sec 8(d)/Unilateral Changes] <input type="checkbox"/> Shutdown or Relocate (e.g. First National Maint.) Subcontract Work		
			Related C Case(s):		
			Blocks R Case(s):		



From: [Scannell, Michelle](#)
To: (b) (6), (b) (7)(C)
Subject: McDonald's, 31-CA-277317
Date: Tuesday, May 25, 2021 3:54:00 PM

Hi (b) (6), (b) (7)(C)

Thank you for speaking with me about this charge. Here is the contact info for the state agencies we spoke about.

Department of Industrial Relations (Labor Commissioner) www.dir.ca.gov

Los Angeles
320 W. Fourth Street,
Suite 450
Los Angeles, CA 90013
(213) 620-6330

Fair Employment and Housing Department
www.DFEH.CA.gov
800-884-1684
213-439-6799
Los Angeles
611 W. 6th St., Ste 1500

Let me know if you have any other questions. You will receive a withdrawal letter by email within a few days. Thank you for your cooperation.

Thank you,
Michelle Scannell
Field Attorney
NLRB, Region 31
11500 W Olympic Blvd, Suite 600
Los Angeles, CA 90064
Direct dial (310) 307-7307
Cell Phone (202) 431-5051



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd., Suite 600
Los Angeles, CA 90064-1753

Agency Website: www.nlr.gov
Telephone: (310)235-7351
Fax: (310)235-7420

May 25, 2021

(b) (6), (b) (7)(C)

McDonald's
505 W. Florence Ave
Los Angeles, CA 90044

Re: McDonald's
Case 31-CA-277317

Dear (b) (6), (b) (7)(C):

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in black ink that reads "Mori Rubin".

Mori Rubin
Regional Director

cc: (b) (6), (b) (7)(C)

